

Quick Guide

DUI Sentencing Matrix (Current as of the 2003 General Session)

	FIRST OFFENSE	SECOND OFFENSE WITHIN 10 YEARS	THIRD OR SUBSEQUENT OFFENSE WITHIN 10 YEARS
CLASSIFICATION	CLASS B MISDEMEANOR BECOMES A CLASS A: <ul style="list-style-type: none"> • if bodily injury inflicted • if passenger is under 16 • if passenger is under 18 and driver is 21 or older THIRD DEGREE FELONY: <ul style="list-style-type: none"> • if serious bodily injury 	CLASS B MISDEMEANOR BECOMES A CLASS A: <ul style="list-style-type: none"> • if bodily injury inflicted • if passenger under 16 • if passenger under 18 and driver is 21 or older THIRD DEGREE FELONY: <ul style="list-style-type: none"> • if any prior felony DUI conviction or automobile homicide conviction • if serious bodily injury 	3RD DEGREE FELONY
SENTENCING Jail – SHALL order:	48 consecutive hours OR 48 hours compensatory service OR electronic home confinement*	240 consecutive hours OR 240 hours compensatory service OR electronic home confinement*	0-5 year prison term OR 1,500 hours jail (62.5 days) May also require electronic home confinement*
Fine – SHALL order:	\$700 minimum plus surcharge	\$800 minimum plus surcharge	\$1,500 minimum, unless 0-5 prison term is imposed
Other – SHALL order:	<ul style="list-style-type: none"> • Screening & assessment • Educational Series, unless treatment is ordered • MAY order treatment 	<ul style="list-style-type: none"> • Screening & assessment • Educational Series, unless treatment is ordered • MAY order treatment 	<ul style="list-style-type: none"> • Screening & assessment • Intensive treatment or inpatient treatment and aftercare for not less than 240 hours
Probation: **	MAY order supervised probation	SHALL order supervised probation	SHALL order supervised probation if 0-5 prison term is not imposed
Ignition interlock:***	MAY order ignition interlock	SHALL order ignition interlock (3 years)	SHALL order ignition interlock (3 years)
High BAC: (.16 or higher)	<ul style="list-style-type: none"> • SHALL order supervised probation • If no treatment, interlock or home confinement, reasons must be stated on the record 	SHALL order supervised probation	SHALL order supervised probation if 0-5 prison term is not imposed
License suspension:	Court MAY order additional 90 DAYS, 180 DAYS, 1 YEAR OR 2 YEARS	Court MAY order additional 90 DAYS, 180 DAYS, 1 YEAR OR 2 YEARS	Court MAY order additional 90 DAYS, 180 DAYS, 1 YEAR OR 2 YEARS

*See §41-6-44(13) for Electronic Home Confinement provisions **See §41-6-44(14) for Supervised Probation provisions

***See §41-6-44.7 for Ignition Interlock provisions NOTE: Supervised probation is also required for all violations of §41-6-44.6 (DUI Drugs)